

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOANNA GRIFFITHS,

Plaintiff,

-v-

5:22-CV-199

SAINT JOSEPHS HOSPITAL
and CEO JEREMY ZOCHS,

Defendants.

APPEARANCES:

OF COUNSEL:

JOANNA GRIFFITHS
Plaintiff, Pro Se
7075 South Court Street
Canastota, NY 13032

MAGUIRE CARDONA, P.C.
Attorneys for Defendants
22 Clinton Avenue
Albany, NY 12207

MOLLY C. CASEY, ESQ.

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On March 3, 2022, *pro se* plaintiff Joanna Griffiths (“plaintiff”) filed this action alleging that defendants violated her rights under the Americans with Disabilities Act (“ADA”) in connection with alleged mistreatment that resulted in the loss of her dentures. Dkt. No. 1. Along with her complaint,

plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On April 5, 2022, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff’s IFP Application and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed with leave to amend except as to her claims for money damages under Title III of the ADA. Dkt. No. 7. As Judge Dancks explained, monetary relief is not available to private plaintiffs who sue under this title of the ADA. *Id.* However, in light of plaintiff’s *pro se* status, Judge Dancks recommended that plaintiffs be given an opportunity to amend the rest of her pleading in accordance with Rules 8 and 10 of the Federal Rules of Civil Procedure. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 7. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

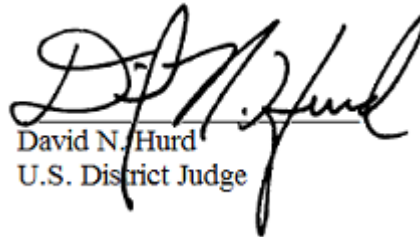
1. The Report & Recommendation is ACCEPTED;
2. Plaintiff’s complaint is DISMISSED with leave to amend;
3. Plaintiff’s claim for money damages under Title III of the ADA is DISMISSED with prejudice and without leave to amend;

4. Plaintiff shall have thirty days from the date of this Order in which to amend her pleading in accordance with the instructions set forth in Judge Dancks's Report & Recommendation and this Order; and

5. If plaintiff does not file an amended complaint within this thirty-day period, the Clerk of the Court shall enter a judgment accordingly and close the file without further Order of this Court.

IT IS SO ORDERED.

Dated: April 28, 2022
Utica, New York.



David N. Hurd
U.S. District Judge